

Appn No. 09/575,186  
Amdt. Dated September 17, 2004  
Response to Office action of July 29, 2004

12

### **REMARKS/ARGUMENTS**

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

#### ***Claim Rejections – 35USC § 103***

In this section, the Examiner has objected to claims 1 to 45 as being obvious in light of Cass. However, having read the Examiner's comments we believe that there are distinctions between the current system and the prior art, which may not have been clear, and therefore we are providing comments and amendments to further highlight these distinctions.

Claim 1 has now been amended to specify that the sensing device, when placed in an operative position relative to the photo album, generates indicating data using at least some of the sensed coded data. A basis for this can be found at lines 12 to 24 of page 30.

Thus, claim 1 now requires that the sensing device be placed in an operative position with respect to the photo album to thereby sense the coded data and generate the indicating data which is indicative of both the identity of the photo album and a position of the sensing device relative to the photo album form. As a result the scanning device only requires to scan a part of the document in order to read the coded data which is in contrast to the prior art.

Cass describes a method in which a processor is provided with two images. One of the images is a document to which the user applies marks, and the other is a reference document to which no mark is added. The processor determines the user's selection by performing image-processing analysis to compare the two documents to first identify the user's marks and then map the user's selection to a list of active elements (abstract).

We respectfully submit that the system taught by Cass therefore fails to teach amended claim 1. In particular, Cass requires the entire first document to be scanned in order to compare to a second document, and then determining the active element using complex image processing. This does not therefore allow a sensing device to be placed in an operative position to thereby sense coded data and then identify a parameter relating to photo album activity, and the position of the sensing device relative to the form, using the sensed coded data.

We, in any event note that Cass fails to suggest a form including both information and coded data. Cass only teaches a form including printed information, which is then scanned and used to identify the document using image processing. However, there is no suggestion by Cass that the form includes both information and coded data, as required by claim 1.

It will be appreciated that the current system defined by claim 1 can provide a number of advantages over the prior art. The current system also reduces a two step process taught by the prior art, involving marking the document and then scanning the document, to a one step process involving placing the sensing device in an operative position relative to the details on the document.

Appln No. 09/575,186  
Amdt. Dated September 17, 2004  
Response to Office action of July 29, 2004

13

Furthermore, the current system does not require the user to physically mark the paper, but merely select the information by placing the sensing device in an operative position relative to the details. The sensing device then detects the coded data at this location and generates the indicating data. This is in contrast to Cass which requires a physical mark to be made on the document in order for the scanner to determine the selection made by the user.

The current system is cost effective, as a separate scanner and marking device is not required. Additionally, the current system is time efficient since a two step process of marking and then scanning is reduced into a one step process where the marking and scanning are performed simultaneously by the user.

Furthermore, the current system provides the advantage of being more accurate compared to the prior art, which requires the scanning of the entire document and performing image processing to determine the mark made on the page. It will be appreciated that image processing can be processor intensive, costly, and inaccurate in situations where the document is skewed or not scanned correctly. Also, the current invention provides ease of use to the user, as the scanning device is able to scan the coded data while simultaneously being operatively used relative to the page to select particular details

We respectfully submit that claim 1 provides numerous advantages over Cass, and is therefore inventive over the prior art. Similar amendments have been made to independent claims 4, 26, and 29 and therefore the above arguments also apply.

In the event that the Examiner is minded to reject our arguments with respect to the independent claims, we respectfully submit that independent claims 4 and 29, and dependent claim 3 include further features that are clearly not encompassed by Cass. In particular, these claims specify that movement of the sensing device is determined using at least some of the sensed coded data which is not shown by the prior art.

We respectfully submit that there is absolutely no suggestion by Cass that the movement of the sensing device can be determined. Since Cass utilises a two-step process of marking the form, and then scanning the form, it would be impossible to obviously alter this system in order to determine, using the sensed coded data, the movement of the sensing device relative to the form. Cass implies by using a scanner after marking the form, that only a position of the marking made can be determined, and it would be impossible for the movement of the sensing device relative to the form to be measured.

Therefore we respectfully submit that these claims provide further distinctions should the Examiner not accept our arguments with respect to claim 1.

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the claims 1 to 45, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Appin No. 09/575,186  
Amdt. Dated September 17, 2004  
Response to Office action of July 29, 2004

14

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application are courteously solicited.

Very respectfully,

Applicants:



---

KIA SILVERBROOK



---

PAUL LAPSTUN

C/o: Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia

Email: [kia.silverbrook@silverbrookresearch.com](mailto:kia.silverbrook@silverbrookresearch.com)

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762